

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 161

SENATE BILL 1011

AN ACT

AMENDING SECTION 11-584, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000,
CHAPTER 32, SECTION 4; RELATING TO PUBLIC DEFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-584, Arizona Revised Statutes, as amended by
3 Laws 2000, chapter 32, section 4, is amended to read:

4 11-584. Public defender; duties; reimbursement

5 A. The public defender shall perform the following duties:

6 1. Upon order of the court, defend, advise and counsel without expense
7 to the defendant, subject to the provisions of subsection B of this section,
8 any person who is not financially able to employ counsel in the following
9 proceedings:

10 (a) Offenses triable in the superior COURT or justice courts at all
11 stages of the proceedings, including the preliminary examination, but only
12 for those offenses which by law require that counsel be provided.

13 (b) Extradition hearings.

14 (c) Sanity hearings only when appointed by the court under title 36,
15 chapter 5.

16 (d) Involuntary commitment hearings held pursuant to title 36, chapter
17 18, only if appointed by the court.

18 (e) INVOLUNTARY COMMITMENT HEARINGS HELD PURSUANT TO TITLE 36, CHAPTER
19 37, WHEN APPOINTED BY THE COURT AS PROVIDED IN SECTION 36-3704, SUBSECTION
20 C, IF THE COURT APPOINTS THE PUBLIC DEFENDER AND THE BOARD OF SUPERVISORS HAS
21 ADVISED THE PRESIDING JUDGE OF THE COUNTY THAT THE PUBLIC DEFENDER IS
22 AUTHORIZED TO ACCEPT THE APPOINTMENT.

23 ~~(e)~~ (f) Commitment hearings held pursuant to section 13-4518 only if
24 appointed by the court.

25 ~~(f)~~ (g) Juvenile delinquency and incorrigibility proceedings only
26 when appointed by the court under section 8-221.

27 ~~(g)~~ (h) Appeals to a higher court or courts.

28 ~~(h)~~ (i) All juvenile proceedings other than delinquency and
29 incorrigibility proceedings under subdivision ~~(f)~~ (g), including serving as
30 a guardian ad litem, when appointed by the court pursuant to section 8-221,
31 if the court appoints the public defender and the board of supervisors has
32 advised the presiding judge of the county that the public defender is
33 authorized to accept the appointment.

34 ~~(i)~~ (j) All mental health hearings regarding release recommendations
35 held before the psychiatric security review board pursuant to section
36 13-3994, when appointed by the court as provided in section 31-502,
37 subsection A, paragraph 9, if the court appoints the public defender and the
38 board of supervisors has advised the presiding judge of the superior court
39 in the county that the public defender is authorized to accept the
40 appointment.

41 2. Keep a record of all services rendered by the public defender in
42 that capacity and file with the board of supervisors an annual report of
43 those services.

1 3. By December 1 of each year, file with the presiding judge of the
2 superior court, the chief probation officer and the board of supervisors an
3 annual report on the average cost of defending a felony case.

4 B. Although the services of the public defender or court appointed
5 counsel shall be without expense to the defendant, the court may make the
6 following assessments:

7 1. At the time of the defendant's initial appearance, order an
8 indigent administrative assessment of not more than twenty-five dollars.

9 2. At the time of the juvenile's advisory hearing, order an
10 administrative assessment fee of not more than twenty-five dollars to be paid
11 by the juvenile or the juvenile's parent or guardian.

12 3. Require that the defendant, including a defendant who is placed on
13 probation, repay to the county a reasonable amount to reimburse the county
14 for the cost of the defendant's legal defense. Reimbursement for legal
15 services provided to a juvenile shall be ordered pursuant to section 8-221.

16 C. In determining the amount and method of payment the court shall
17 take into account the financial resources of the defendant and the nature of
18 the burden that the payment will impose.

19 D. Assessments collected pursuant to subsection B of this section
20 shall be paid into the county general fund in the account designed for use
21 solely by the public defender and court appointed counsel to defray the costs
22 of public defenders and court appointed counsel. The assessments shall
23 supplement, not supplant, funding provided by counties for public defense,
24 legal defense and contract indigent defense counsel in each county.

25 Sec. 2. Effective date

26 Section 11-584, Arizona Revised Statutes, as amended by this act, is
27 effective on October 1, 2001.

APPROVED BY THE GOVERNOR APRIL 20, 2001.

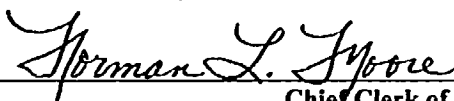
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2001.

Passed the House April 16, 2001

by the following vote: 51 Ayes,

4 Nays, 5 Not Voting

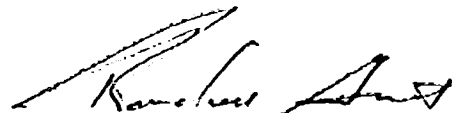

Speaker of the House

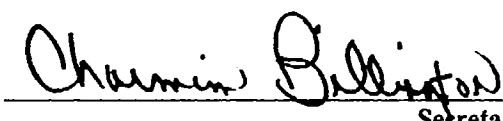

Chief Clerk of the House

Passed the Senate February 5, 2001

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting


President of the Senate

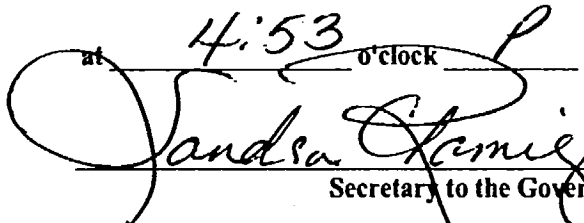

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of April, 2001,

at 4:53 o'clock P M.


Secretary to the Governor

Approved this 20 day of

April, 2001,

at 9:00 o'clock A M.


Governor of Arizona

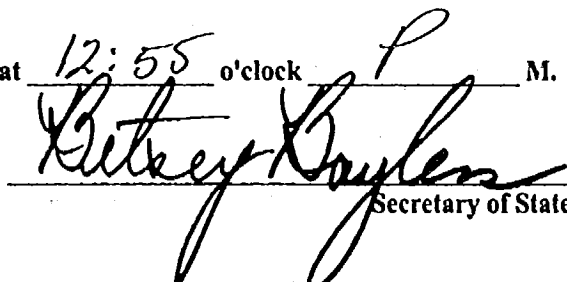
S.B. 1011

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of April, 2001,

at 12:55 o'clock P M.


Secretary of State